

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #922E, Olstons Auto Salvage

DATE: October 3, 2001

****REVISED 10/12/01****

PROPOSAL: Brian Carstens, on behalf of Olston's Import Auto Salvage, is requesting a Special Permit to expand an auto salvage yard into the old channel of Salt Creek and Hartley Street right of way.

LAND AREA: 19.83 acres, more or less.

CONCLUSION: The applicant is to be commended for making an attempt to utilize fill only from the 100 year flood plain. However, the wetland issues have not been fully addressed. Additional information demonstrating whether or not there are wetlands within the boundary of the proposed expansion or barrow area is necessary to determine whether or not the salvage yard should be allowed to expand.

<u>RECOMMENDATION:</u>	Deferral until documentation is submitted indicating the location of wetlands on the site and in the barrow area.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Attached

LOCATION: N. 35th Circle & Gladstone Street.

APPLICANT: Olston's Auto Salvage
3450 North 35th Circle
Lincoln, NE 68504

<u>OWNERS:</u>	Frank McArthur John McArthur Linda Krein Rollie Johnson	Suzanne Krueger A. James McArthur Benjamine McArthur Sally Schneider
	City of Lincoln 555 S. 10 th Street Lincoln, NE 68508	

Lower Platte South Natural Resources District
3125 Portia
Lincoln, NE 68521

CONTACT: Brian D. Carstens
Carstens & Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68516
(402) 434-2424

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Vacant and Right-of-way.

SURROUNDING LAND USE AND ZONING:

North:	Vacant	I-1, Industrial
South:	Industrial buildings	I-1
East:	Mobile home court	I-1
West:	Vacant	I-1

HISTORY: This area was zoned K, Light Industrial until it was updated to I-1, Industrial during the 1979 zoning update.

On December 29, 1980, City Council approved Special Permit #922 to construct a salvage yard on Lot 6, Crescent Glen Industrial Park.

On December 20, 1982, City Council approved Special Permit #922A to expand the salvage yard.

On October 29, 1984, City Council approved Special Permit #922B to expand the salvage yard.

On January 5, 1987, City Council approved Special Permit #922C to expand the salvage yard.

On April 21, 1999, Planning Commission approved Special Permit #922D to expand the salvage yard to its present boundaries.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as industrial in the 1994 Comprehensive Plan. The Comprehensive Plan states that:

"maintaining the capacity of our flood ways and flood plains to contain and carry flood waters and prevent damage should be an important consideration in all planning and development" (p. 72),

and specifically includes the goal to:

"maintain, preserve and enhance existing wetlands and restore degraded wetlands" (p. 70).

This area has a number of wetlands and floodplain issues that must be fully addressed with the special permit.

The Comprehensive Plan indicates that in the Antelope Valley Major Investment Roadway a four-lane boulevard with dual left turn lanes and a wide landscaped medial is immediately to the north of this project. Since the exact location of the roadway is not yet known, this project may be directly impacted by the Antelope Valley project. This part of the roadway is not expected to be completed for 6-10 years. (p. 106)

N 35th Street and Gladstone Street are both identified as local streets in the Comprehensive Plan. (p. 91)

TRAFFIC ANALYSIS: N 35th Street and Gladstone Street are both identified as local streets in the Comprehensive Plan.

ENVIRONMENTAL CONCERNS: This area is in a floodplain. Wetlands appear to have been delineated east of the proposed expansion. No delineation is shown west of the fence line of the original special permit.

ANALYSIS:

1. This is a request for a Special Permit to expand an auto salvage operation.
2. The applicant indicated that no fill material will be brought into the site. Moorings with footings and cables will be installed which shall be identical to the City of Lincoln Impound lot at N. 1st & Charlston Streets.
3. The applicant plans to lease the property from the City of Lincoln for an 8 year period rather than vacating and purchasing the right-of-way. Any reduction of the boundaries of the special permit that are necessary due to the Antelope Valley Roadway can be done administratively.
4. The Public Works & Utilities Department indicated that Hartley Street east of 33rd Street and the area designated on the site plan as Old Channel of Salt Creek appear on the plan as dedicated City property. A use of public right-of-way in accordance with

Chapter 14.80 of the Lincoln Municipal Code is required if this area is to be used for a salvage yard. Engineering Services initiates the resolution to City Council for use of right-of-way. Nothing will be forwarded to City Council until recommendations concerning this special permit are known.

5. The Public Works & Utilities Department indicated that the property is located within the floodplain. If wetlands exist in the expansion area, the Public Works & Utilities Department recommends denial of this expansion.
6. The Public Works Department noted that erosion control is necessary.
7. The Public Works Department indicated that the Antelope Valley roadway under its present proposed alignment would cut diagonally through the area proposed for the expansion. The roadway is in the second stage of the Antelope Valley work, which is not anticipated to begin for 7-10 years. Neither the horizontal nor the vertical alignments are finalized at this time.
8. The Public Works Department indicated that as long as no structures are to be constructed and no substantial grading is anticipated, the use of the right-of-way as proposed would not cause a significant problem to the future developments of the Antelope Valley roadway.
9. Documentation should be submitted indicating the location of wetlands on the site and in the barrow. The applicant should demonstrate that the previously filled wetlands area and any existing wetlands are outside of the area of the Special Permit.
10. The Police Department has no objections to this request.
11. The Building and Safety Department Fire Prevention division has no objections to this request.
12. The Lower Platte South NRD noted that any work that could potentially impact the Salt Creek levee system must be reviewed and approved by the District and the Army Corps of Engineers prior to commencement of construction. This approval is separate from the Army Corps of Engineers 404 permit process.
13. The Lower Platte South NRD indicated that the area does not seem to be directly impacting an NRD drainage easement, located northwest of the proposed expansion area.
14. The Parks and Recreation Department indicated that a landscape plan must be submitted showing the location of existing and proposed street trees for N. 33rd Street. The recommended street tree for N 33rd Street is Red Sunset Maple.

15. The Health Department indicated that no salvage shall be stored below the 1144 contour.
16. The storage of hazardous materials must meet guidelines as set forth in the Lincoln municipal Code Chapter 8.02.
17. Salvage material kept outside a building shall be located at least 100 feet from the boundaries of the I-1 or I-2 zoning district.
18. A landscape plan was not submitted with the application. The design standards require a 90% screen from the ground to 6 feet in height.

CONDITIONS:

However, should the Planning Commission choose to approve the special permit following the public hearing, the following are suggested conditions:

Site Specific:

1. This approval permits the expansion of the salvage yard.

General:

2. Before occupying the new area:
 - 2.1 Revise the site plan to show:
 - 2.1.1 The correct legal description for the entire special permit area.
 - 2.1.2 The correct owners for Hartley Street and the Old Channel of Salt Creek with the correct zip code.
 - 2.1.3 Elevations according to North American Vertical Datum.
 - 2.1.4 The correct special permit number for the expansion area.
 - 2.1.5 A note indicating that no structures or substantial grading shall occur in the Hartley Street right-of-way.
 - 2.1.6 A note indicating that no fill shall be allowed.

2.1.7 Provide a landscape plan showing screening required by the Design Standards and showing existing and proposed street trees for N. 33rd Street.

2.1.8 Provide information of wetlands in the expansion area.

3. Construction shall comply with Chapters 5.41 and 8.26 of the Lincoln Municipal Code and other applicable codes and requirements.
4. Salvage material kept outside a building shall be located at least 100 feet from the boundaries of the I-1 or I-2 zoning districts except where said boundaries are common with the H-3 zoning district.
5. Receiving areas for salvage material shall be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.
6. Landscape screening according to the City of Lincoln Design Standards shall be provided.
7. The storage of hazardous materials must be according to the Lincoln Municipal Code Chapter 8.02.

STANDARD CONDITIONS:

8. The following conditions are applicable to all requests:
 - 8.1 Before occupying the area all development and construction shall have been completed in compliance with the approved plans.
 - 8.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 8.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 8.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 8.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative

amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

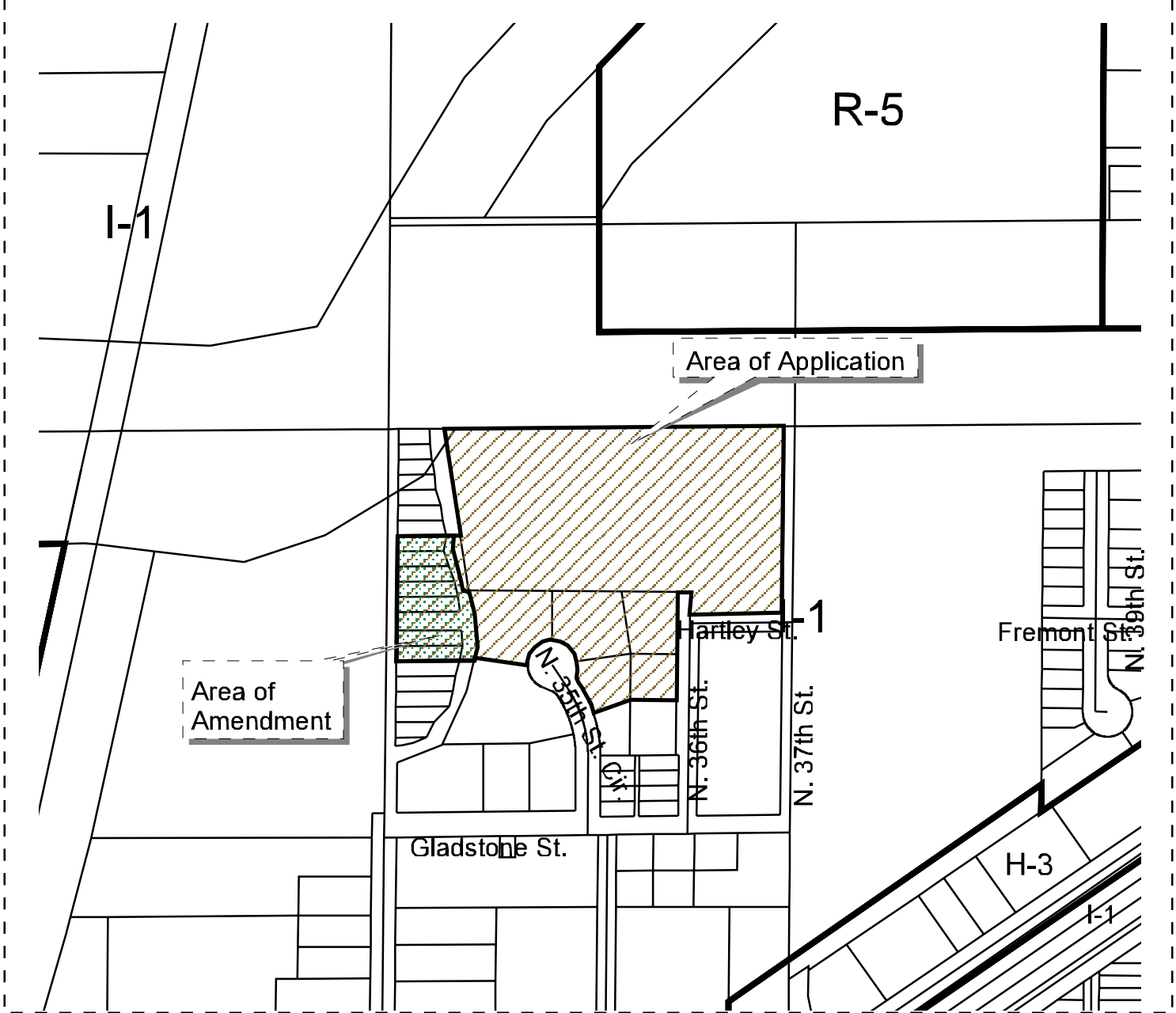
Becky Horner
Planner

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Special Permit #922E
Olston Import Auto Salvage
N. 33rd & Gladstone Sts.



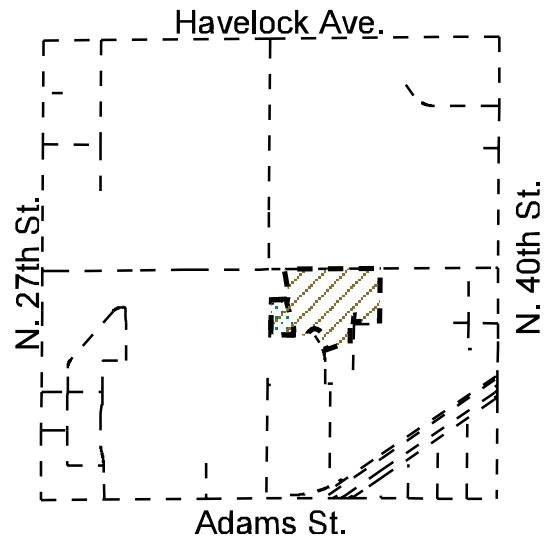
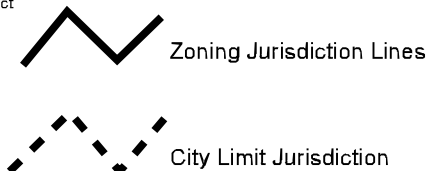


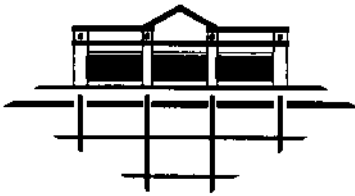
Special Permit #922E Olston Import Auto Salvage N. 33rd & Gladstone Sts.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 7 T10N R7E





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

June 14, 2001

Ms. Kathleen Sellman, AICP
Planning Director
City of Lincoln - Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68502

RE: OLSTON'S AUTO SALVAGE
SPECIAL PERMIT #922E

Dear Kathleen,

On behalf of our client Olston's Auto Salvage we are requesting a Special Permit to expand an existing auto salvage yard located at North 35th Court & Gladstone Avenue. Olston's Auto Salvage currently retains Special permits 922, A, B, C, and D for auto salvage yards adjacent to this property. We are merely expanding an already existing use.

The property does exist within the 100-year flood plain, however no fill material will be brought into the site. Moorings with footings and cables will be installed which shall be identical to the City of Lincoln impound lot at 1st & Charleston Streets.

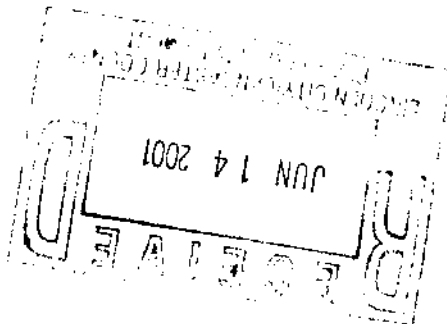
We previously meet with Clint Thomas of Real Estate, Ray Hill of Planning and Dennis Bartels of Public Works to discuss the how the North 33rd Street Antelope Valley project will affect this area. In this meeting it was decided that the best way to proceed is to lease the necessary ground and not to purchase it.

With this submittal we are also submitting a request to Real Estate and Public Works to lease the right-of-way of Hartley Street and the Old Channel of Salt Creek from the City of Lincoln. Our request is to lease for eight year in lieu of vacating or purchasing the necessary right-of-way of Hartley Street and the Old Channel of Salt Creek. We are also requesting that the limits of the Special Permit be revised by administrative amended at the time of the Antelope Project proceeds in this area.

If you have any additional questions or concerns please give us a call.

Sincerely,

Brian D. Carstens



M e m o r a n d u m

[REDACTED]

To: Becky Horner, Planning Department

From: ~~///~~ Dennis Bartels, Public Works & Utilities

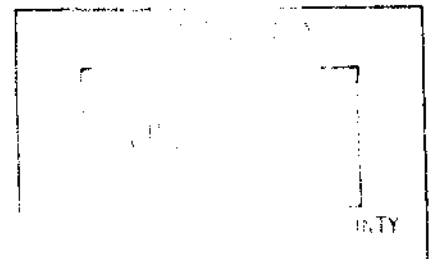
Subject: Special Permit for Salvage Yard

Date: June 29, 2001

cc: Roger Figard, Nicole Fleck-Tooze

Engineering Services has reviewed the special permit for a salvage yard expansion east of 33rd Street right-of-way in the vicinity of Hartley and has the following comments:

1. The area is in a flood plain. Wetlands appear to have been delineated east of the proposed expansion. No delineation is shown west of the fence line of the original special permit. If wetlands exist in the expansion area, I recommend this expansion not be approved.
2. Hartley Street east of 33rd and the area designated on the plans as Old Channel of Salt Creek appear on plat as dedicated City property. A use of public right-of-way in accordance with Chapter 14.80 of the Lincoln Municipal Code will be required if this area is to be used for a salvage yard. Engineering Services initiates the resolution to City Council for use of right-of-way. Nothing will be forwarded to City Council until recommendations concerning this special permit are known.
3. The applicant requested vacation of the public right-of-way. Public Works recommends denial of vacation because portions of the right-of-way may be needed to complete the Antelope Valley Roadway in this vicinity.



LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

Date: October 3, 2001
To: Becky Horner, Planning Dept.
From: J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: Olston Import Auto Salvage Special Permit #922E

I have reviewed the plans for the project noted above. The area does not seem to be directly impacting an NRD drainage easement, located northwest of the proposed expansion area. It has been specified by the engineer that no fill material will be brought into the expansion area. Questions regarding exact location of ownership of adjacent lots should be directed to Clint Thomas, Real Estate Dept.

If you have any questions, feel free to call.

JBD/jbd

pc: file

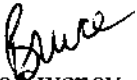
10/1/01

Becky Horner
Project Planner

RE: SP Salvage Yard 927E

In reference to our telephone conversation, Friday September 28, the following comments pertain to the above referenced Special Permit for Olston's Import Auto Salvage.

- * The Antelope Valley roadway under it's present proposed alignment would cut diagonally through the area proposed for the special permit.
- * The roadway is in the second stage of the Antelope Valley work, which is not anticipated to start for 7 to 10 years.
- * Neither the horizontal nor the vertical alignments are finalized at this time.
- * As long as no structures are to be constructed and no substantial grading is anticipated, I think the auto salvage usage of the ROW as proposed would not cause a significant problem in the future.


Bruce Sweney
Senior Engineer

RECEIVED


Barnie L Blum

09/17/2001 12:34 PM

To: Rebecca D Horner/Notes@Notes

cc:

cc:

Subject: Re: Olstons auto salvage 

I just talked with Dennis, Public Works stance will be not to forward anything to City Council until we know what kind of conditions the Planning Commission puts on the use permit. If all other conditions are met, Public Works would recommend approval of the use of right-of-way permit.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: 7/2/2001

DEPARTMENT: Planning

FROM: Richard Slama

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Carole Douglas, Acting Director
EH File
EH Administration

SUBJECT: Special Permit #1920

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed special permit #1920 for possible negative public health impacts with the following noted:

As noted in Brian Carstens letter, this area is below the 100 year flood plain or at 1140 to 1143 feet elevation. According to Brian Carstens, when application was made in 1999 to expand the Olston's to the northwest (Sp. Permit 922D) Building and Safety desired the area filled to 1144 feet or one foot above flood level. No salvage was to be stored below 1144 contour. This is a similar requirement that is placed on new building construction even though no buildings are located in 922D area.

According to Mr. Carstens, Public Works does not want this new area filled, and therefore, B&S is now saying no filling. I've not discussed this with either agency. Currently, Olston's has already taken down the old fence separating the current special permitted facility and has installed a new screening fence around this proposed addition. In addition, the area is filled with salvage vehicles that are awaiting in-processing. Therefore, they have all fluids still present.

Olston's processes cars shortly after arrival at the salvage facility. This processing removes all fluids and CFC's. If need be, air bags are activated (blown). Almost all engines are removed. Currently, these cars shells occupy 922, 922A, and some of 922B. There are more than enough car shells to fill the new area with just car shells. Therefore, the following recommendation is made to the new special application which I believe is 922E.

"It is recommended that either the new area be filled to the 1144 level as in previous expansion or the new area carry a restriction against the storage of hazardous materials as defined in LMC Chapter 8.02."



INTER-DEPARTMENT COMMUNICATION

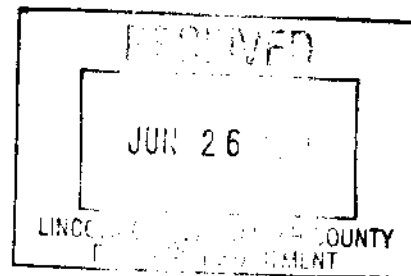
TO Becky Horner, City Planning
SUBJECT DEDICATED EASEMENTS
DN #34N-33E

DATE June 22, 2001

FROM Sharon Theobald
(Ext. 7640)

Attached is the Subdivision Special Permit for Olston's Import Auto Salvage.

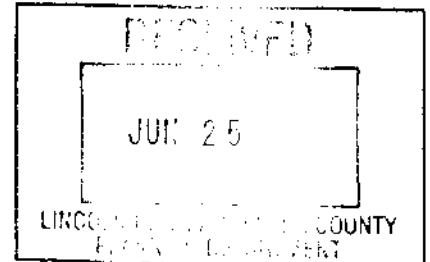
ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.



ST/ss
Attachment
c: Terry Wiebke
Easement File

Memo

To: Becky Homer, Planning
From: J.J. Yost, Parks & Recreation
Date: 21 June 2001
Re: Olston's Auto Salvage - Special Permit #922E



Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Developer needs to submit a Landscape Plan depicting the location of existing and proposed street trees on North 33rd Street. The recommended street tree for North 33rd Street is Red Sunset Maple spaced 50-ft on center.

If you have any additional question, comments or concerns, please feel free to contact me at 441-8255.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01070**

Address

Job Description: **SALVAGE YARD**

Location: **SALVAGE YARD**

Special Permit: **Y 1900**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **BECKY HORNER**

Status of Review: **Approved**

6/19/2001 7:39:47 AM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE** **BOB FIEDLER**

Comments: **Fire apparatus access roads shall be constructed and maintained throughout the site.**

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

Memorandum

To: Becky Horner
From: Sergeant M. Woolman #737
Date: June 19, 2001
Re: Special Permit



The Lincoln Police Department has no objections to the Olston's Import Auto Salvage Special Permit.

A handwritten signature in black ink, appearing to read "Michael S. Woolman".

Michael S. Woolman
Planning Sergeant
Lincoln Police Department

